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PATENT COOPERATION TREATY

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From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To:

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05. Dez. 2003

Patent Department
Administration-HannoverNOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing
(day/month/year)

04.12.2003

Applicant's or agent's file reference
PD010084 ✓

IMPORTANT NOTIFICATION

International application No.
PCT/EP02/14267International filing date (day/month/year)
14.12.2002Priority date (day/month/year)
28.12.2001Applicant
THOMSON LICENSING S.A. et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

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preliminary examining authority:

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PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)



Applicant's or agent's file reference PD010084	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/EP02/14267	International filing date (day/month/year) 14.12.2002	Priority date (day/month/year) 28.12.2001
International Patent Classification (IPC) or both national classification and IPC G06F13/42		
Applicant THOMSON LICENSING S.A. et al.		

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 5 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

 These annexes consist of a total of 3 sheets.

- This report contains indications relating to the following items:
 - ☒ Basis of the opinion
 - ☐ Priority
 - ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - ☐ Lack of unity of invention
 - ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - ☐ Certain documents cited
 - ☐ Certain defects in the international application
 - ☐ Certain observations on the international application

Date of submission of the demand 28.06.2003	Date of completion of this report 04.12.2003
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Juenger, B Telephone No. +49 89 2399-7485 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP02/14267

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-10 as originally filed

Claims, Numbers

1-13 filed with telefax on 19.11.2003

Drawings, Sheets

1-3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP02/14267

5. ☒ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

see separate sheet

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1,6
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1,6
Industrial applicability (IA)	Yes: Claims	1,6
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item I

Basis of the report

The amendments filed with the International Bureau under Article 19(1) introduce subject-matter which extends beyond the content of the application as filed, contrary to Article 19(2) PCT. The amendments concerned are the following:

- a) peripheral IC and central IC are in an electronic appliance
- b) preregister buffers the operating parameter while an operating process is running with the current operating parameter
- c) operating parameter is to become active in the working process only if the transfer signal has been sent

The international application as originally filed does not allow to directly and unambiguously derive the amendments above.

Re Item V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following document:

D1: PROFIBUS NUTZERORGANISATION E.V.: 'PROFIBUS Technical Description' 1 September 1999 (1999-09-01) , PROFIBUS NUTZERORGANISATION E.V. , KARLSRUHE XP002235273

1 Independent claim 1 of the present application does not contain any novel subject matter (Article 33(2) PCT) for the following reason:

1.1 All features of independent claim 1 are known from D1 (references in parentheses applying to this document):

- a) setting an operating parameter in a peripheral IC, the operating parameter is transmitted from a central IC via a bus connection to the peripheral IC (page 4, col 2; Figure 8; page 27)

Remark: Page 4, col. 2 of document D1 discloses a bus connection between a master device and slave devices, the latter could be e.g. valves or

digital I/O devices. Fig. 8 shows that a master could implemented in a central control unit like a PC or a PLC. The digital output data transferred from the central control unit to the valve are considered as operating parameter (see also Fig. 10). Integrated circuits exist for master and slave devices (page 27). An integrated circuit for a master is considered as central IC and an integrated circuit for a slave is considered as peripheral IC. Consequently an operating parameter is transmitted from a central IC via a bus connection to the peripheral IC.

- b) the operating parameter is buffered in a preregister of the peripheral IC the buffered operating parameter is transferred to a working register only if a transfer signal has been sent from the central IC via the bus connection (page 15)

Remark: The PROFIBUS protocol disclosed in D1 supports cyclic data transmission between master and slave. A specific control command from the master to the slave permits to bring the slave into "sync mode". In this mode the actual output data are kept in their current state implying the presence of a working register to memorize this state. Then, during subsequent transmissions the data are stored at the slave, but not transferred to the working output register thus implying a preregister. If the next synch command is received stored output data in the preregister are transferred to the working register.

- 2 Corresponding arguments for lack of novelty (Article 33(2) PCT) apply to independent apparatus claim 6.